

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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MALIBU MEDIA, LLC,

Plaintiff,

-against-

**ORDER ADOPTING REPORT
AND RECOMMENDATION**
19-cv-3806 (DRH)(SIL)

JOHN DOE, *subscriber assigned IP*
Address 24.146.165.33 ,

Defendant.

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Presently before the Court is the Amended Report and Recommendation of Magistrate Judge Steven I. Locke, dated December 2, 2020, recommending that Malibu Media's motion for default judgment be granted and that Malibu Media be awarded: (1) \$6,000.00 in statutory damages; (2) an injunction prohibiting Defendant from further infringement and ordering him to destroy all copies of the Films; (3) \$665.25 in fees and costs; and (4) post-judgment interest pursuant to 28 U.S.C. § 1961(a). More than fourteen (14) days have passed since service of the Report and Recommendation and no objections have been filed.

Pursuant to 28 U.S.C. § 636(b) and Fed. R. Civ. P. 72, this Court has reviewed the Report and Recommendation for clear error, and finding none, now concurs in both its reasoning and its result. Accordingly, the Court adopts the December 2, 2020 Amended Report and Recommendation of Judge Locke as if set forth herein. Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion for default judgment is granted and plaintiff is awarded \$6,000.00 in statutory damages and \$665.25 in fees and costs plus post-judgment interest thereon pursuant to 28 U.S.C. § 1961(a). and

IS IT FURTHER ORDERED that Defendant is hereby permanently enjoined from directly, contributorily or indirectly infringing Plaintiff's rights under federal or state law in the films identified at DE 1-1 (a copy of which is attached hereto), including, without limitation, by using the internet, BitTorrent or any other online media distribution system to reproduce (e.g., download) or distribute the Works, or to make the Works available for distribution to the public, except pursuant to a lawful license or with the express authority of Plaintiff; and

IS IT FURTHER ORDERED that Defendant is hereby ordered to destroy all copies of the films identified at DE 1-1 that the Defendant has downloaded onto any computer hard drive or server without Plaintiff's authorization, and shall destroy all copies of the films identified at DE 1-1 transferred onto any physical medium or device in Defendant's possession, custody, or control;

IT IS FURTHER ORDERED that the caption of the case be amended to reflect the true name of the defendant, to wit Dainius Burkauskas, in lieu and instead of JOHN DOE, subscriber assigned IP Address 24.146.165.33.

The Clerk of Court is directed to enter judgment accordingly and to close this case.

Dated: Central Islip, New York
January 13, 2021

s/ Denis R. Hurley
Denis R. Hurley
United States District Judge